

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RYAN M. KULL LICENSED CLINICAL SOCIAL
WORK LLC, a New York limited liability company,
on behalf of itself and all others similarly situated,

Plaintiff,

-against-

CHASE BANK USA, N.A., a New York
Corporation, JP MORGAN CHASE AND CO., a
Delaware Corporation; and DOES 1-50, inclusive,

Defendants.

Civil Action No.
1:20-cv-3138

Hon. Naomi Reice Buchwald

**JOINT STIPULATION AND ~~PROPOSED~~ ORDER EXTENDING TIME
TO RESPOND TO COMPLAINT AND SETTING BRIEFING SCHEDULE
FOR ANTICIPATED STAY MOTION**

Plaintiff Ryan M. Kull Licensed Clinical Social Work LLC (“Plaintiff”), on the one hand, and specially appearing Defendants Chase Bank USA, N.A. and JPMorgan Chase & Co. (together, “Chase”),¹ on the other hand (collectively, the “Parties”), hereby stipulate and agree as follows:

1. Plaintiff filed its Complaint on April 20, 2020 (Rec. Doc. 1), and on May 14, 2020, Defendants each executed a Waiver of the Service of Summons providing that they would have 60 days from May 12, 2020, *i.e.*, through and including July 13, 2020, to respond to the Complaint.
2. As of the filing of this Stipulation, there are twelve putative class actions, including this case, currently awaiting a transfer decision by the Joint Panel on Multidistrict Litigation

¹ It is Chase’s position that specially appearing Defendant JPMorgan Chase & Co. is a financial holding company under section 4(k) and (l) of the Bank Holding Company Act of 1956. It is not a proper defendant, as it does not, and never has, participated in the Paycheck Protection Program (“PPP”) created as part of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136 (the “CARES Act”) and has made no loans in connection with the PPP. Specially appearing Defendant Chase Bank USA, N.A. no longer exists. Both of these specially appearing Defendants reserve all rights in connection with being named in the Complaint in this action.

(“JPML”) relating to the processing of PPP loans under the CARES Act (collectively the “PPP Actions”). *See In re JPMorgan Chase Paycheck Protection Program Litig.*, MDL No. 2944. On May 1, 2020, the plaintiff in *Hyde-Edwards Salon & Spa v. JPMorgan Chase & Co. et al.*, No. 3:20-cv-00762-DMS-MDD (S.D. Cal.) (Sabraw, J.), filed a Motion for Transfer of Actions to the Southern District of California for Coordinated or Consolidated Pretrial Proceedings pursuant to 28 U.S.C. § 1407. *See In re JPMorgan Chase Paycheck Protection Program Litig.*, MDL No. 2944, Rec. Doc. 1. On May 7, 2020, counsel for Plaintiff in this action filed a Motion to Transfer Actions to the Central District of California for Coordinated and Consolidated Pretrial Proceedings. *See In re JPMorgan Chase Paycheck Protection Program Litig.*, MDL No. 2944, Rec. Doc. 5. Both motions seek to transfer and consolidate the claims of Plaintiff in this case with the other PPP Actions. Though not yet set for hearing, briefing on the transfer motions was completed on June 5, 2020, and the JPML has an upcoming hearing session scheduled for July 30, 2020. *See In re JPMorgan Chase Paycheck Protection Program Litig.*, MDL No. 2944, Rec. Doc. 6.²

3. The Parties have agreed to an extension of time for Defendants to respond to the Complaint so that the Parties may continue to explore resolving this matter without additional litigation expense.
4. If the Parties are unable to resolve this matter, Chase intends to seek a stay of this matter pending the JPML’s decision (“Anticipated Stay Motion”), and Plaintiff may oppose the Anticipated Stay Motion.

²Hearing Information, UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION, <https://www.jpml.uscourts.gov/hearing-information>.

5. Because the Anticipated Stay Motion may become unnecessary if the Parties are able to resolve this matter, the Parties agree that Chase's response to the Complaint shall be due 14 days after any denial of the Anticipated Stay Motion.
6. IT IS HEREBY STIPULATED AND AGREED that:
 - a. Chase's deadline to respond to the Complaint is hereby continued; and
 - b. The briefing schedule for the Anticipated Stay Motion, should that become necessary, is as follows:
 1. Defendants' Anticipated Stay Motion shall be filed by June 30, 2020;
 2. Plaintiff's Opposition, if any, shall be filed by July 7, 2020;
 3. Defendants' Reply shall be filed by July 14, 2020;
 4. The Anticipated Stay Motion shall be set for hearing on the earliest date the Court is available, should the Court require oral argument thereon; and
 5. Should the Anticipated Stay Motion be denied, Chase's deadline to respond to the Complaint shall become 14 days after said denial.

DATED: June 18, 2020

Respectfully submitted,

STALWART LAW GROUP

By: /s/ Dylan Ruga

Dylan Ruga

Attorneys for Plaintiff, RYAN M. KULL LICENSED CLINICAL SOCIAL WORK LLC

DATED: June 18, 2020

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: /s/ Sylvia E. Simson

Sylvia E. Simson

Attorneys for Specially Appearing Defendants CHASE BANK USA, N.A. and JPMORGAN CHASE & CO.

SO ORDERED.

DATED: June 19, 2020

A handwritten signature in blue ink, reading "Naomi Reice Buchwald", written over a horizontal line.

Hon. Naomi Reice Buchwald, U.S.D.J.